

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To amend the Foreign Intelligence Surveillance Act of 1978 to specify the circumstances in which the Government may acquire geolocation information for foreign intelligence purposes and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Foreign Intelligence Surveillance Act of 1978 to specify the circumstances in which the Government may acquire geolocation information for foreign intelligence purposes and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLES.**

4        This Act may be cited as the “Geolocational Privacy  
5        and Surveillance Act” or the “GPS Act”.

1 **TITLE I—AMENDMENTS TO THE**  
2 **FOREIGN INTELLIGENCE**  
3 **SURVEILLANCE ACT OF 1978**

4 **SEC. 101. REFERENCE TO THE FOREIGN INTELLIGENCE**  
5 **SURVEILLANCE ACT OF 1978.**

6 Except as otherwise expressly provided, whenever in  
7 this title an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a section or other provi-  
9 sion, the reference shall be considered to be made to a  
10 section or other provision of the Foreign Intelligence Sur-  
11 veillance Act of 1978 (50 U.S.C. 1801 et seq.).

12 **SEC. 102. DEFINITIONS.**

13 (a) **GEOLOCATION INFORMATION.**—Section 101 (50  
14 U.S.C. 1801) is amended by adding at the end the fol-  
15 lowing:

16 “(q) **GEOLOCATION INFORMATION.**—The term  
17 ‘geolocation information’ means, with respect to a  
18 person, any information concerning the location of a  
19 wireless communication device or tracking device (as  
20 that term is defined section 3117 of title 18, United  
21 States Code) that, in whole or in part, is generated  
22 by or derived from the operation of that device and  
23 that could be used to determine information regard-  
24 ing the location of the person.

1           “(r) GEOLOCATION INFORMATION SERVICE.—

2           The term ‘geolocation information service’ means the  
3           provision of a global positioning service or other  
4           mapping, locational, or directional information serv-  
5           ice to the public, or to such class of users as to be  
6           effectively available to the public, by or through the  
7           operation of any wireless communication device, in-  
8           cluding any mobile telephone, global positioning sys-  
9           tem receiving device, mobile computer, or other simi-  
10          lar or successor device.

11          “(s) WIRELESS COMMUNICATION DEVICE.—

12          The term ‘wireless communication device’ means any  
13          device that enables access to, or use of, an electronic  
14          communication system or service, remote computing  
15          service, or geolocation information service, if that de-  
16          vice utilizes a radio or other wireless connection to  
17          access such system or service.”.

18          (b) COLLECTION FOR GEOLOCATION INFORMATION  
19 AS ELECTRONIC SURVEILLANCE.—Section 101(f) (50  
20 U.S.C. 1801(f)) is amended—

21                 (1) in paragraph (3), by striking “or” at the  
22                 end;

23                 (2) in paragraph (4), by striking the period at  
24                 the end and inserting a semicolon and “or”; and

25                 (3) by adding at the end the following:

1           “(5) the installation or use of an elec-  
2           tronic, mechanical, or other surveillance device  
3           to acquire geolocation information of a person  
4           who is in the United States or of a United  
5           States person.”.

6           (c) MINIMIZATION PROCEDURES.—Section 101(h)(4)  
7           (50 U.S.C. 1801(h)(4)) is amended by inserting “or any  
8           geolocation information of a United States person” after  
9           “party”.

10          (d) AGGRIEVED PERSON.—Section 101(k) (50 U.S.C.  
11           1801(k)) is amended by inserting “, geolocation informa-  
12           tion,” after “communications”.

13           **SEC. 103. AUTHORIZATION FOR ELECTRONIC SURVEIL-**  
14                                   **LANCE FOR FOREIGN INTELLIGENCE PUR-**  
15                                   **POSES.**

16          (a) AUTHORIZATION WITHOUT COURT ORDER.—Sec-  
17           tion 102(a)(1)(B) (50 U.S.C. 1802(a)(1)(B)) is amend-  
18           ed—

19           (b) by inserting “(i)” after “(B)”; and

20           (c) by adding at the end the following:

21                           “(ii) there is no substantial likelihood that the  
22           surveillance will acquire geolocation information of a  
23           United States person; and”.

24          (d) COLLECTION BY COMMERCIAL ENTITIES.—Sec-  
25           tion 102(a)(4) (50 U.S.C. 1802(a)(4)) is amended—

1 (1) in the matter preceding subparagraph (A),  
2 by inserting “or, if appropriate, a commercial entity  
3 that collects, has access to, or stores geolocation in-  
4 formation” after “carrier”;

5 (2) in subparagraph (A), by inserting “or enti-  
6 ty” after “carrier”;

7 (3) in subparagraph (B), by inserting “or enti-  
8 ty” after “carrier”; and

9 (4) in the undesignated paragraph following  
10 subparagraph (B), by inserting “or entity” after  
11 “carrier”.

12 **SEC. 104. STATEMENT OF EXCLUSIVE MEANS FOR COLLEC-**  
13 **TION OF GEOLOCATION INFORMATION.**

14 Section 112 (50 U.S.C. 1812) is amended—

15 (1) in subsection (a)—

16 (A) by inserting “120,” after “119,”;

17 (B) by inserting “the Geolocational Privacy  
18 and Surveillance Act,” after “Code,”;

19 (C) by striking “surveillance and” and in-  
20 serting “surveillance,”; and

21 (D) by inserting “, and the acquisition of  
22 geolocation information” after “communica-  
23 tions”; and

24 (2) in subsection (b)—

1 (A) by striking “surveillance or” and in-  
2 serting “surveillance,”;

3 (B) by inserting “or the acquisition of  
4 geolocation information,” after “communica-  
5 tions,”;

6 (C) by striking “Act or” and inserting  
7 “Act,”;

8 (D) by inserting “120,” after “119,”; and

9 (E) by inserting “or in the Geolocational  
10 Privacy and Surveillance Act,” after “Code,”.

11 **SEC. 105. PROHIBITION ON COLLECTION OR ACQUISITION**  
12 **OF GEOLOCATION INFORMATION USING PEN**  
13 **REGISTER OR TRAP AND TRACE DEVICES.**

14 (a) IN GENERAL.—At the end of title IV (50 U.S.C.  
15 1841 et seq.) add the following:

16 **“SEC. 407. PROHIBITION ON COLLECTION OR ACQUISITION**  
17 **OF GEOLOCATION INFORMATION.**

18 “The authority under this title does not include the  
19 authority to collect or acquire geolocation information (as  
20 that term is defined in section 101) of any person through  
21 the installation or use of a pen register or trap and trace  
22 device.”.

23 (b) TABLE OF CONTENTS AMENDMENT.—The table  
24 of contents is amended by adding after the item relating  
25 to section 406 the following:

“Sec. 407. Prohibition on collection or acquisition of geolocation information.”.

1 **SEC. 106. PROHIBITION ON COLLECTION OR ACQUISITION**  
2 **OF GEOLOCATION INFORMATION AS BUSI-**  
3 **NESS RECORDS.**

4 (a) IN GENERAL.—At the end of title V (50 U.S.C.  
5 1861 et seq.) add the following:

6 **“SEC. 503. PROHIBITION ON COLLECTION OR ACQUISITION**  
7 **OF GEOLOCATION INFORMATION.**

8 “The authority under this title does not include the  
9 authority to collect or acquire geolocation information (as  
10 that term is defined in section 101) of any person as part  
11 of an order requiring the production of any tangible  
12 things.”.

13 (b) TABLE OF CONTENTS AMENDMENT.—The table  
14 of contents is amended by adding after the item relating  
15 to section 502 the following:

“Sec. 503. Prohibition on collection or acquisition of geolocation information.”.

16 **SEC. 107. REPORTING REQUIREMENTS.**

17 Section 601(a)(1)(A) (50 U.S.C. 1871(a)(1)(A)) is  
18 amended by striking “105;” and inserting “105, including  
19 a breakdown of the number of persons targeted to acquire  
20 geolocation information regarding the location of such per-  
21 sons;”.

22 **SEC. 108. DEFINITIONS FOR PROCEDURES FOR TARGETING**  
23 **PERSONS OUTSIDE THE UNITED STATES.**

24 Section 701 (50 U.S.C. 1881) is amended—

1 (1) in subsection (a), by inserting “‘geolocation  
2 information’,” after “‘foreign power’,”; and

3 (2) in paragraph (4)—

4 (A) by redesignating subparagraph (E) as  
5 subparagraph (F);

6 (B) in subparagraph (D), by striking “or”  
7 at the end; and

8 (C) by inserting after subparagraph (D)  
9 the following:

10 “(D) a commercial entity that collects or  
11 has access to geolocation information either as  
12 such information is transmitted or as such in-  
13 formation is stored; or”; and

14 (D) in subparagraph (F), as redesignated  
15 by subparagraph (A), by striking “or (D).” and  
16 inserting “(D), or (E)”.

17 **SEC. 109. PROCEDURES FOR TARGETING CERTAIN PER-**  
18 **SONS OUTSIDE THE UNITED STATES OTHER**  
19 **THAN UNITED STATES PERSONS.**

20 Section 702 (50 U.S.C. 1881a) is amended—

21 (1) in subsection (a), by striking the period at  
22 the end and inserting “, including through the tar-  
23 geting of such person to acquire geolocation infor-  
24 mation.”; and

1           (2) in subsection (b), the matter preceding  
2           paragraph (1), by striking “(a)—” and inserting  
3           “(a), including an acquisition of geolocation informa-  
4           tion—”.

5 **SEC. 110. CERTAIN ACQUISITIONS INSIDE THE UNITED**  
6                           **STATES TARGETING UNITED STATES PER-**  
7                           **SONS OUTSIDE THE UNITED STATES.**

8           Section 703(a)(1) (50 U.S.C. 1881b(a)(1)) is amend-  
9           ed by striking “or stored electronic data” and inserting  
10          “, stored electronic data, or stored geolocation informa-  
11          tion”.

12 **SEC. 111. OTHER ACQUISITIONS TARGETING UNITED**  
13                           **STATES PERSONS OUTSIDE THE UNITED**  
14                           **STATES.**

15          Section 704(a)(2) (50 U.S.C. 1881e(a)(2)) is amend-  
16          ed by striking “purposes,” and inserting “purposes or  
17          under circumstances in which the purpose of the targeting  
18          is to acquire geolocation information,”.

19                           **TITLE II—CRIMINAL**  
20                           **PROCEDURE AND PENALTIES**

21 **SEC. 201. PROTECTION OF GEOLOCATION INFORMATION.**

22          (a) IN GENERAL.—Part 1 of title 18, United States  
23          Code, is amended by inserting after chapter 119 the fol-  
24          lowing:

1                   **“CHAPTER 120—GEOLOCATION**  
2                   **INFORMATION**

“Sec.

“2601. Definitions.

“2602. Interception and disclosure of geolocation information.

“2603. Prohibition of use as evidence of intercepted geolocation information.

“2604. Emergency situation exception.

“2605. Recovery of civil damages authorized.

3   **“§ 2601. Definitions**

4            “In this chapter:

5                    “(1) **ELECTRONIC COMMUNICATION SERVICE.—**

6            The term ‘electronic communication service’ has the  
7            meaning given that term in section 2510.

8                    “(2) **ELECTRONIC SURVEILLANCE.—**The term  
9            ‘electronic surveillance’ has the meaning given that  
10           term in section 101 of the Foreign Intelligence Sur-  
11           veillance Act of 1978 (50 U.S.C. 1801).

12                   “(3)           **GEOLOCATION            INFORMATION;**  
13           **GEOLOCATION INFORMATION SERVICE.—**The terms  
14           ‘geolocation information’ and ‘geolocation informa-  
15           tion service’ have the meaning given those terms in  
16           section 101 of the Foreign Intelligence Surveillance  
17           Act of 1978 (50 U.S.C. 1801).

18                   “(4) **INTERCEPT.—**The term ‘intercept’ means  
19           the acquisition of geolocation information through  
20           the use of any electronic, mechanical, or other de-  
21           vice.

1           “(5) INVESTIGATIVE OR LAW ENFORCEMENT  
2           OFFICER.—The term ‘investigative or law enforce-  
3           ment officer’ means any officer of the United States  
4           or of a State or political subdivision thereof, who is  
5           empowered by law to conduct investigations of, or to  
6           make arrests for, offenses enumerated in this chap-  
7           ter, and any attorney authorized by law to prosecute  
8           or participate in the prosecution of such offenses.

9           “(6) PERSON.—The term ‘person’ means any  
10          employee or agent of the United States, or any State  
11          or political subdivision thereof, and any individual,  
12          partnership, association, joint stock company, trust,  
13          or corporation.

14          “(7) STATE.—The term ‘State’ means any  
15          State of the United States, the District of Columbia,  
16          the Commonwealth of Puerto Rico, and any territory  
17          or possession of the United States.

18       **“§ 2602. Interception and disclosure of geolocation in-**  
19                               **formation**

20       “(a) IN GENERAL.—

21           “(1) PROHIBITION ON DISCLOSURE OR USE.—  
22       Except as otherwise specifically provided in this  
23       chapter, it shall be unlawful for any person to—

24                   “(A) intentionally intercept, endeavor to  
25                   intercept, or procure any other person to inter-

1           cept or endeavor to intercept, geolocation infor-  
2           mation pertaining to another person;

3           “(B) intentionally disclose, or endeavor to  
4           disclose, to any other person geolocation infor-  
5           mation pertaining to another person, knowing  
6           or having reason to know that the information  
7           was obtained through the interception of such  
8           information in violation of this paragraph;

9           “(C) intentionally use, or endeavor to use,  
10          any geolocation information, knowing or having  
11          reason to know that the information was ob-  
12          tained through the interception of such infor-  
13          mation in violation of this paragraph; or

14          “(D)(i) intentionally disclose, or endeavor  
15          to disclose, to any other person the geolocation  
16          information pertaining to another person inter-  
17          cepted by means authorized by subsections (b)  
18          through (i), except as provided in such sub-  
19          sections;

20          “(ii) knowing or having reason to know  
21          that the information was obtained through the  
22          interception of such information in connection  
23          with a criminal investigation;

1           “(iii) having obtained or received the infor-  
2           mation in connection with a criminal investiga-  
3           tion; and

4           “(iv) with intent to improperly obstruct,  
5           impede, or interfere with a duly authorized  
6           criminal investigation.

7           “(2) PENALTY.—Any person who violates para-  
8           graph (1) shall be fined under this title, imprisoned  
9           not more than five years, or both.

10          “(b) EXCEPTION FOR INFORMATION ACQUIRED IN  
11 THE NORMAL COURSE OF BUSINESS.—It shall not be un-  
12 lawful under this chapter for an officer, employee, or agent  
13 of a provider of electronic communication service or of  
14 geolocation information service, whose facilities are used  
15 in the transmission of geolocation information, to inter-  
16 cept, disclose, or use that information in the normal course  
17 of the officer, employee, or agent’s employment while en-  
18 gaged in any activity which is a necessary incident to the  
19 rendition of service or to the protection of the rights or  
20 property of the provider of that service, except that a pro-  
21 vider of a geolocation information service to the public  
22 shall not utilize service observing or random monitoring  
23 except for mechanical or service quality control checks.

24          “(c) EXCEPTION FOR PROVISION OF FOREIGN IN-  
25 TELLIGENCE SURVEILLANCE INFORMATION.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2 law, a provider of electronic communication service  
3 or of geolocation information service, an officer, em-  
4 ployee, or agent of such provider, a landlord, a cus-  
5 todian, or other person is authorized to provide in-  
6 formation, facilities, or technical assistance to a per-  
7 son authorized by law to intercept geolocation infor-  
8 mation or to conduct electronic surveillance, if such  
9 provider, officer, employee, agent, landlord, custo-  
10 dian, or other specified person has been provided  
11 with a court order pursuant to section 703 or 704  
12 of the Foreign Intelligence Surveillance Act of 1978  
13 (50 U.S.C. 1881b and 1881c) signed by the author-  
14 izing judge or another court order directing such as-  
15 sistance.

16           “(2) REQUIREMENTS FOR ORDER.—A court  
17 order referred to in paragraph (1) shall set forth the  
18 period of time during which the provision of the in-  
19 formation, facilities, or technical assistance is au-  
20 thorized and specifying the information, facilities, or  
21 technical assistance required.

22           “(3) PROHIBITION ON DISCLOSURE.—

23           “(A) IN GENERAL.—No provider of a elec-  
24 tronic communication service or of a geolocation  
25 information service, officer, employee, or agent

1           thereof, or landlord, custodian, or other speci-  
2           fied person shall disclose the existence of any  
3           interception or surveillance or the device used  
4           to accomplish the interception or surveillance  
5           with respect to which the person has been fur-  
6           nished an order under this subsection, except as  
7           may otherwise be required by legal process and  
8           then only after prior notification to the Attor-  
9           ney General or to the principal prosecuting at-  
10          torney of a State or any political subdivision of  
11          a State, as may be appropriate.

12                 “(B) LIMITATION ON LIABILITY.—No  
13           cause of action shall lie in any court against  
14           any provider of a electronic communication  
15           service or of a geolocation information service,  
16           its officers, employees, or agents, landlord, cus-  
17           todian, or other specified person for providing  
18           information, facilities, or assistance in accord-  
19           ance with the terms of a court order or a statu-  
20           tory authorization.

21                 “(d) EXCEPTION FOR CONDUCTING FOREIGN INTEL-  
22           LIGENCE SURVEILLANCE.—Notwithstanding any other  
23           provision of this chapter, it shall not be unlawful for an  
24           officer, employee, or agent of the United States in the nor-  
25           mal course of the official duty of the officer, employee,

1 or agent to conduct electronic surveillance, as authorized  
2 by the Foreign Intelligence Surveillance Act of 1978 (50  
3 U.S.C. 1801 et seq.).

4 “(e) EXCEPTION FOR CONSENT.—It shall not be un-  
5 lawful under this chapter for a person to intercept  
6 geolocation information pertaining to another person if  
7 such other person has given prior consent to such intercep-  
8 tion unless such information is intercepted for the purpose  
9 of committing any criminal or tortious act in violation of  
10 the Constitution or laws of the United States or of any  
11 State.

12 “(f) EXCEPTION FOR PUBLIC INFORMATION.—It  
13 shall not be unlawful under this chapter for any person  
14 to intercept or access geolocation information relating to  
15 another person through any system that is configured so  
16 that such information is readily accessible to the general  
17 public.

18 “(g) EXCEPTION FOR EMERGENCY INFORMATION.—  
19 It shall not be unlawful under this chapter for any inves-  
20 tigative or law enforcement officer or other emergency re-  
21 sponder to intercept or access geolocation information re-  
22 lating to a person if such information is used—

23 “(1) to respond to a request made by such per-  
24 son for assistance; or



1 such a court) or any United States court  
2 of appeals that—

3 “(I) has jurisdiction over the of-  
4 fense being investigated;

5 “(II) is in or for a district in  
6 which the provider of a geolocation in-  
7 formation service is located or in  
8 which the geolocation information is  
9 stored; or

10 “(III) is acting on a request for  
11 foreign assistance pursuant to section  
12 3512 of this title; or

13 “(ii) a court of general criminal juris-  
14 diction of a State authorized by the law of  
15 that State to issue search warrants.

16 “(B) GOVERNMENTAL ENTITY.—The term  
17 ‘governmental entity’ means a department or  
18 agency of the United States or any State or po-  
19 litical subdivision thereof.

20 “(2) WARRANT.—A governmental entity may  
21 require the disclosure by a provider of electronic  
22 communication service or geolocation information  
23 service of geolocation information only pursuant to  
24 a warrant issued using the procedures described in  
25 the Federal Rules of Criminal Procedure (or, in the

1 case of a State court, issued using State warrant  
2 procedures) by a court of competent jurisdiction, or  
3 as otherwise provided in this chapter or the Foreign  
4 Intelligence Surveillance Act of 1978 (50 U.S.C.  
5 1801 et seq.).

6 “(j) PROHIBITION ON DIVULGING GEOLOCATION IN-  
7 FORMATION.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), a person providing electronic communica-  
10 tion service or geolocation information service shall  
11 not intentionally divulge geolocation information per-  
12 taining to another person.

13 “(2) EXCEPTIONS.—A person providing elec-  
14 tronic communication service or geolocation service  
15 may divulge geolocation information—

16 “(A) as otherwise authorized in subsections  
17 (b) through (i);

18 “(B) with the lawful consent of such other  
19 person;

20 “(C) to another person employed or au-  
21 thorized, or whose facilities are used, to forward  
22 such geolocation information to its destination;  
23 or

24 “(D) which was inadvertently obtained by  
25 the service provider and which appears to per-

1           tain to the commission of a crime, if such divul-  
2           gence is made to a law enforcement agency.

3   **“§ 2603. Prohibition of use as evidence of intercepted**  
4                                   **geolocation information**

5           “Whenever any geolocation information has been  
6 intercepted, no part of such information and no evidence  
7 derived therefrom may be received in evidence in any trial,  
8 hearing, or other proceeding in or before any court, grand  
9 jury, department, officer, agency, regulatory body, legisla-  
10 tive committee, or other authority of the United States,  
11 a State, or a political subdivision thereof if the disclosure  
12 of that information would be in violation of this chapter.

13   **“§ 2604. Emergency situation exception**

14           “(a) EMERGENCY SITUATION EXCEPTION.—Not-  
15 withstanding any other provision of this chapter, any in-  
16 vestigative or law enforcement officer, specially designated  
17 by the Attorney General, the Deputy Attorney General,  
18 the Associate Attorney General, or by the principal pros-  
19 ecuting attorney of any State or subdivision thereof acting  
20 pursuant to a statute of that State, may intercept  
21 geolocation information if—

22                   “(1) such officer reasonably determines that an  
23 emergency situation exists that—

24                                   “(A) involves—

1                   “(i) immediate danger of death or se-  
2                   rious physical injury to any person;

3                   “(ii) conspiratorial activities threat-  
4                   ening the national security interest; or

5                   “(iii) conspiratorial activities char-  
6                   acteristic of organized crime; and

7                   “(B) requires geolocation information be  
8                   intercepted before an order authorizing such  
9                   interception can, with due diligence, be ob-  
10                  tained;

11                  “(2) there are grounds upon which an order  
12                  could be entered to authorize such interception; and

13                  “(3) an application for an order approving such  
14                  interception is made within 48 hours after the inter-  
15                  ception has occurred or begins to occur.

16                  “(b) FAILURE TO OBTAIN COURT ORDER.—

17                  “(1) TERMINATION OF ACQUISITION.—In the  
18                  absence of an order, an interception of geolocation  
19                  information carried out under subsection (a) shall  
20                  immediately terminate when the information sought  
21                  is obtained or when the application for the order is  
22                  denied, whichever is earlier.

23                  “(2) PROHIBITION ON USE AS EVIDENCE.—In  
24                  the event such application for approval is denied, or  
25                  in any other case where the interception is termi-

1 nated without an order having been issued, the  
2 geolocation information shall be treated as having  
3 been obtained in violation of this chapter and an in-  
4 ventory shall be served on the person named in the  
5 application.

6 **“§ 2605. Recovery of civil damages authorized**

7 “(a) IN GENERAL.—Any person whose geolocation  
8 information is intercepted, disclosed, or intentionally used  
9 in violation of this chapter may in a civil action recover  
10 from the person, other than the United States, which en-  
11 gaged in that violation such relief as may be appropriate.

12 “(b) RELIEF.—In an action under this section, ap-  
13 propriate relief includes—

14 “(1) such preliminary and other equitable or  
15 declaratory relief as may be appropriate;

16 “(2) damages under subsection (c) and punitive  
17 damages in appropriate cases; and

18 “(3) a reasonable attorney’s fee and other liti-  
19 gation costs reasonably incurred.

20 “(c) COMPUTATION OF DAMAGES.—The court may  
21 assess as damages under this section whichever is the  
22 greater of—

23 “(1) the sum of the actual damages suffered by  
24 the plaintiff and any profits made by the violator as  
25 a result of the violation; or

1           “(2) statutory damages of whichever is the  
2           greater of \$100 a day for each day of violation or  
3           \$10,000.

4           “(d) DEFENSE.—It is a complete defense against any  
5           civil or criminal action brought against an individual for  
6           conduct in violation of this chapter if such individual acted  
7           in a good faith reliance on—

8           “(1) a court warrant or order, a grand jury  
9           subpoena, a legislative authorization, or a statutory  
10          authorization;

11          “(2) a request of an investigative or law en-  
12          forcement officer under section 2604; or

13          “(3) a good-faith determination that an excep-  
14          tion under section 2602 permitted the conduct com-  
15          plained of.

16          “(e) LIMITATION.—A civil action under this section  
17          may not be commenced later than two years after the date  
18          upon which the claimant first has a reasonable oppor-  
19          tunity to discover the violation.

20          “(f) ADMINISTRATIVE DISCIPLINE.—If a court or ap-  
21          propriate department or agency determines that the  
22          United States or any of its departments or agencies has  
23          violated any provision of this chapter, and the court or  
24          appropriate department or agency finds that the cir-  
25          cumstances surrounding the violation raise serious ques-

1 tions about whether or not an officer or employee of the  
 2 United States acted willfully or intentionally with respect  
 3 to the violation, the department or agency shall, upon re-  
 4 ceipt of a true and correct copy of the decision and find-  
 5 ings of the court or appropriate department or agency  
 6 promptly initiate a proceeding to determine whether dis-  
 7 ciplinary action against the officer or employee is war-  
 8 ranted. If the head of the department or agency involved  
 9 determines that disciplinary action is not warranted, such  
 10 head shall notify the Inspector General with jurisdiction  
 11 over the department or agency concerned and shall provide  
 12 the Inspector General with the reasons for such deter-  
 13 mination.

14       “(g) IMPROPER DISCLOSURE IS VIOLATION.—Any  
 15 willful disclosure or use by an investigative or law enforce-  
 16 ment officer or governmental entity of information beyond  
 17 the extent permitted by this chapter is a violation of this  
 18 chapter for purposes of this section.”.

19       (b) CLERICAL AMENDMENT.—The table of chapters  
 20 for part 1 of title 18, United States Code, is amended by  
 21 inserting after the item relating to chapter 119 the fol-  
 22 lowing:

“120. Geolocation information ..... 2601”.

23       (c) CONFORMING AMENDMENT.—Section 3512 of  
 24 title 18, United States Code, is amended—

25               (1) in paragraph (2)—

1 (A) by redesignating subparagraphs (B),  
2 (C), and (D) as subparagraphs (C), (D), and  
3 (E), respectively; and

4 (B) by inserting after subparagraph (A)  
5 the following:

6 “(B) a warrant or order for geolocation in-  
7 formation or records related thereto, as pro-  
8 vided under section 2602 of this title;”.

9 **SEC. 202. REQUIREMENT FOR SEARCH WARRANTS TO AC-**  
10 **QUIRE GEOLOCATION INFORMATION.**

11 Rule 41(a) of the Federal Rules of Criminal Proce-  
12 dure is amended—

13 (1) in paragraph (2)(A), by striking the period  
14 at the end and inserting a comma and “including  
15 geolocation information.”; and

16 (2) by adding at the end the following:

17 “(F) ‘Geolocation information’ has the  
18 meaning given that term in section 101 of the  
19 Foreign Intelligence Surveillance Act of 1978  
20 (50 U.S.C. 1801).”.

21 **SEC. 203. FRAUD AND RELATED ACTIVITY IN CONNECTION**  
22 **WITH OBTAINING GEOLOCATION INFORMA-**  
23 **TION.**

24 (a) **CRIMINAL VIOLATION.**—Section 1039(h) of title  
25 18, United States Code, is amended—

1 (1) in paragraph (2)—

2 (A) in subparagraph (A), by striking  
3 “and” at the end;

4 (B) in subparagraph (B), by striking the  
5 period at the end and inserting a semicolon and  
6 “and”; and

7 (C) by adding at the end the following new  
8 subparagraph:

9 “(C) includes any geolocation information  
10 service.”;

11 (2) by redesignating paragraph (4) as para-  
12 graph (5); and

13 (3) by inserting after paragraph (3) the fol-  
14 lowing:

15 “(4) GEOLOCATION INFORMATION SERVICE.—  
16 The term ‘geolocation information service’ has the  
17 meaning given that term in section 101 of the For-  
18 eign Intelligence Surveillance Act of 1978 (50  
19 U.S.C. 1801).”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) DEFINITION AMENDMENTS.—Section  
22 1039(h)(1) of title 18, United States Code, is  
23 amended—

24 (A) in the paragraph heading, by inserting  
25 “OR GPS” after “PHONE”; and

1 (B) in the matter preceding subparagraph  
2 (A), by inserting “or GPS” after “phone”.

3 (2) CONFORMING AMENDMENTS.—Section 1039  
4 of title 18, United States Code, is amended—

5 (A) in the section heading by inserting “**or**  
6 **GPS**” after “**phone**”;

7 (B) in subsection (a)—

8 (i) in the matter preceding paragraph  
9 (1), by inserting “or GPS” after “phone”;  
10 and

11 (ii) in paragraph (4), by inserting “or  
12 GPS” after “phone”;

13 (C) in subsection (b)—

14 (i) in the subsection heading, by in-  
15 serting “OR GPS” after “PHONE”;

16 (ii) in paragraph (1), by inserting “or  
17 GPS” after “phone” both places that term  
18 appears; and

19 (iii) in paragraph (2), by inserting “or  
20 GPS” after “phone”; and

21 (D) in subsection (c)—

22 (i) in the subsection heading, by in-  
23 serting “OR GPS” after “PHONE”;

1 (ii) in paragraph (1), by inserting “or  
2 GPS” after “phone” both places that term  
3 appears; and

4 (iii) in paragraph (2), by inserting “or  
5 GPS” after “phone”.

6 (3) CHAPTER ANALYSIS.—The table of sections  
7 for chapter 47 of title 18, United States Code, is  
8 amended by striking the item relating to section  
9 1039 and inserting the following:

“1039. Fraud and related activity in connection with obtaining confidential  
phone or GPS records information of a covered entity.”.

10 (c) SENTENCING GUIDELINES.—

11 (1) REVIEW AND AMENDMENT.—Not later than  
12 180 days after the date of enactment of this Act, the  
13 United States Sentencing Commission, pursuant to  
14 its authority under section 994 of title 28, United  
15 States Code, and in accordance with this section,  
16 shall review and, if appropriate, amend the Federal  
17 sentencing guidelines and policy statements applica-  
18 ble to persons convicted of any offense under section  
19 1039 of title 18, United States Code, as amended by  
20 this section.

21 (2) AUTHORIZATION.—The United States Sen-  
22 tencing Commission may amend the Federal sen-  
23 tencing guidelines in accordance with the procedures  
24 set forth in section 21(a) of the Sentencing Act of

